

REMARKS**I. Status of the Application**

Claims 1-14 are pending in this application. In the October 12, 2006 office action, the

Examiner:

A. Objected to claims 5 and 9 because of informalities;

B. Rejected 1-14 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention;

C. Rejected claims 1, 4-8 and 10-14 under 35 U.S.C. §102(e) as being anticipated by Aigner et al. (US Patent No. 6,955,950);

D. Rejected claims 1, 4, 5, 7, 8, 10 and 11 under 35 U.S.C. §102(e) as being anticipated by Gueissaz (US Patent No. 6,454,160); and

E. Objected to claims 2, 3, and 9 as being dependent upon a rejected base claim, but would be allowable if rewritten to overcome the rejections set forth by the Office Action.

Applicant gratefully acknowledges the indication of allowable subject matter in claims 2, 3 and 9. In this response, claims 1 and 11 have been amended and claim 2 has been cancelled. New claims 15 and 16 have been added. Applicant respectfully requests reconsideration of the claims in light of the foregoing amendments and following remarks.

II. Claim Rejections for Informalities Are Moot

As mentioned above, claims 5 and 9 were objected to because of informalities. In particular, claims 5 and 9 were rejected use of the limitation “the cavity.” Claim 1 has been amended to provide antecedent basis for the limitation of “the cavity” as used in claims 5 and 9. For instance, the limitation in claim 1(d) of “closing the structure formed by the removal of the sacrificial layer” has been amended to read “closing a cavity formed by the sacrificial layer.” Support for this amendment can be found in the specification on page 9, lines 10-15, as filed. Accordingly, Applicant submits that the rejection of claims 5 and 9 for informalities is now moot.

III. Claim Rejections for Indefiniteness Are Now Moot

Claims 1-14 were rejected for being indefinite. In particular, claim 1 was rejected for lack of antecedent basis for the limitation “the structure.” As discussed in the previous paragraph, claim 1 has been amended so that the phrase “the structure” has been replaced by “a cavity.”

Claim 11 was also rejected as being indefinite for use of the phrase “like devices.” In addition, claim 11 was rejected for the use of the term “structured.” In claim 11, the term “like” has been replaced by the term “identical.” In addition, the first use of the term “structured” of claim 11 has been replaced by the phrase “patterned to define the sacrificial structure for each of the devices.” Support for this amendment can be found in the specification as filed starting on the last line of page 8 and continuing to line 6 of page 9. The second use of the term “structured” of claim 11 has been replaced by the phrase “patterned to define a cover enclosing

the sacrificial structure for each of the devices.” Support for this amendment can be found in the specification as filed on page 9, lines 20-27.

Consequently, Applicant submits that the indefiniteness rejection of claims 1 and 11 is now moot. Because claims 2-10 and 12-14 were rejected as indefinite for being dependent upon rejected base claims 1 and 11, Applicant submits that the indefiniteness rejection of claims 2-10 and 12-14 is now moot as well.

IV. Prior Art Rejections Are Now Moot

Claims 1, 4-8 and 10-14 were rejected as being anticipated by Aigner or Gueissaz. Claim 1 has been amended to include the allowable subject matter of cancelled claim 2. Accordingly, Applicant submits that claim 1, as amended, is now in condition for allowance. In addition, because claims 3-14 all depend from and incorporate all of the limitations of amended claim 1, Applicant submits that claims 3-14 are also in condition for allowance.

V. New Claims 15 and 16

As stated in the Office Action, claims 3 and 9 would be allowable if rewritten in independent form including all of the limitations of their base claims and any intervening claims. Accordingly, new claim 15 corresponds to claim 3 rewritten in independent form including all of the limitations of its base claim, and new claim 16 corresponds to claim 9 rewritten in independent form including all of the limitations of its base claim. Therefore, Applicant submits that new claims 15 and 16 are allowable over the prior art.

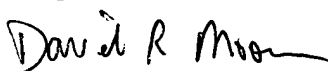
II. Conclusion

For all of the foregoing reasons, it is respectfully submitted the applicant has made a patentable contribution to the art. Favorable reconsideration and allowance of this application is therefore respectfully requested.

In the event applicant has inadvertently overlooked the need for an extension of time or payment of an additional fee, the applicant conditionally petitions therefore, and authorizes any fee deficiency to be charged to deposit account 13-0014.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "David R. Moorman".

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